

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

JAMAL WILLIAMS,  
Plaintiff,  
v.  
CITY OF BERKELEY,  
Defendant.

Case No. 14-cv-01830 NC

**ORDER TO FILE MOTION  
REGARDING APPROVAL OF  
SETTLEMENT OF FLSA CLAIMS**

Re: Dkt. No. 18


This action was commenced in the Alameda County Superior Court. *See* Dkt. Nos. 1; 1-1 at 2. The City of Berkeley removed the action to this Court under 28 U.S.C. § 1331 and 28 U.S.C. § 1441(a) on the basis that plaintiff's First Amended Complaint contains claims for violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 207 and 211. *See* Dkt. Nos. 1; 1-1 at 30. The case settled as a result of an Early Neutral Evaluation. *See* Dkt. No. 17.

On December 4, 2014, the parties filed a stipulation purporting to dismiss the action with prejudice. Dkt. No. 18. However, dismissal is premature because an employee's claims under the FLSA are nonwaivable and may not be settled without supervision of either the Secretary of Labor or a district court. *See Yue Zhou v. Wang's Restaurant*, No. 05-cv-0279 PVT, 2007 WL 2298046, at \*1 (N.D. Cal. Aug. 8, 2007) (citing *Barrentine v. Ark.-Best Freight Sys., Inc.*, 450 U.S. 728, 740 (1981); *Lynn's Food Stores, Inc. v. United*

1 *States*, 679 F.2d 1350, 1352-53 (11th. Cir. 1982)). In order to obtain dismissal of the case,  
2 the parties must file a joint motion for approval of the settlement of the FLSA claims,  
3 accompanied by the settlement agreement. The motion must address whether the FLSA  
4 settlement is “a fair and reasonable resolution of a *bona fide* dispute.” *See id.*; *see also Luo*  
5 *v. Zynga Inc.*, No. 13-cv-00186 NC, 2014 WL 457742, at \*2 (N.D. Cal. Jan. 31, 2014).

6 IT IS SO ORDERED.

7 Date: December 5, 2014

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Nathanael M. Cousins  
United States Magistrate Judge